IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

EMSAT ADVANCED GEO-LOCATION	§	
TECHNOLOGY, LLC	§	
	§	
and	§	
	§	CIVIL ACTION NO. 2:08cv381
LOCATION BASED SERVICES LLC,	§	
	§	JURY TRIAL DEMANDED
Plaintiffs,	§	
	§	
v.	§	
	§	
METROPCS COMMUNICATIONS,	§	
INC., et al.	§	
	§	
Defendants.	§	

PLAINTIFFS' NOTICE OF DISMISSAL WITH PREJUDICE AS TO DEFENDANTS ETEX TELEPHONE COOPERATIVE INC. AND ETEX COMMUNICATIONS, L.P.

Plaintiffs EMSAT Advanced Geo-Location Technology, LLC ("Emsat") and Location Based Services LLC ("LBS") hereby dismiss their claims against Defendants ETEX Telephone Cooperative Inc. and ETEX Communications, L.P. (collectively, "ETEX") in accordance with Federal Rule of Civil Procedure 41(a)(1)(A)(i). Plaintiffs and ETEX have amicably resolved the case between them, and ETEX has not filed an answer or other responsive pleading. The dismissal of ETEX is made with prejudice, and each party shall bear their own costs and attorneys' fees.

Plaintiffs have not released, and nothing in this Notice should be construed as a release or discharge of, any claim Plaintiffs have or may have in the future against any other Defendant named in this action or any other asserted infringer of the patents-in-suit. All other rights have been and are expressly reserved.

Dated: December 9, 2008. Respectfully submitted,

/s/ Edward R. Nelson, III Texas State Bar No. 00797142 Attorney-in-Charge Brent N. Bumgardner Texas State Bar No. 00795272 Barry J. Bumgardner Texas State Bar No. 00793424 Christie B. Lindsey Texas State Bar No. 24041918 NELSON BUMGARDNER CASTO, P.C. 5601 Bridge Street, Suite 300 Fort Worth, Texas 76112 (817) 377-9111 (817) 377-3485 (fax) enelson@nbclaw.net bbumgardner@nbclaw.net barry@nbclaw.net clindsey@nbclaw.net

T. John Ward, Jr.
Texas State Bar No. 00794818
WARD & SMITH LAW FIRM
111 W. Tyler Street
Longview, Texas 75601
(903) 757-6400
(903) 757-2323 (fax)
jw@jwfirm.com

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of December, 2008, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Edward R. Nelson, III